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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

PEDRO MACIAS ACEVEDO,

Defendant and Appellant.

B239870

(Los Angeles County
Super. Ct. No. PA 071666)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Katheryne A. Stoltz, Judge. Affirmed.

Ann Krausz, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

A jury convicted Pedro Macias Acevedo of transportation of marijuana and possession of marijuana. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), appellant's counsel filed an opening brief requesting that this court review the record and determine whether any arguable issues exist on appeal. We have reviewed the entire record and find no arguable issue. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

As required by *People v. Kelly* (2006) 40 Cal.4th 106, 124, we provide a brief description of the facts and procedural history of the case.

Deportation Officer Jesus Rocha of the United States Immigration and Customs Enforcement and Officer Ishmill Lett of the United States Forest Service were assigned to a task force looking for people who were illegally carrying weapons on October 8, 2011. They were patrolling the area of Templin Highway off Interstate Route 5 in the Angeles National Forest. At approximately 9:00 p.m., they noticed a truck coming toward them with a broken light on the license plate. The officers conducted a traffic stop of the vehicle.

Officer Lett went to the driver of the truck and asked for identification. Officer Rocha went to the passenger's side and engaged in small talk with the three passengers of the vehicle. The cabin light inside the truck was on. Officer Rocha noted a strong marijuana odor inside the truck. Appellant was one of the passengers in the back row of the truck. The driver of the vehicle appeared clean and well-groomed and smelled as if he had just taken a shower. By contrast, the three passengers appeared dirty or muddy and smelled of marijuana. The three passengers also wore camouflage shirts. There was a duffel bag in the back of the truck on the floorboard. When asked by Officer Rocha, each of the four occupants of the truck said the duffel bag did not belong to him. The officers eventually asked the four occupants to exit the vehicle. The officers searched the duffel bag and found inside five bags of marijuana, a loaded handgun, and a stack of money amounting to \$2,000.

Officer Lett has encountered hundreds of marijuana cultivation sites in the Angeles National Forest. A cultivation site in the forest typically takes more than one person to cultivate the plants. Cultivating is much like gardener's work, including keeping rodents away, clearing brush, and watering the plants. The grow season runs from April through

October. When the marijuana is harvested and dried, the drying is usually done on site, and the drying process typically takes days. Besides the growers or cultivators, the crew also includes a “lunch man,” or supply person. This person recruits workers for the grow and takes them to the site.

In an amended information, appellant was charged with one count of transportation of marijuana, one count of carrying a loaded unregistered handgun, and one count of cultivating marijuana. The jury found appellant guilty of transportation of marijuana (Health & Saf. Code, § 11360, subd. (a)) and possession of marijuana (Health & Saf. Code, § 11357, subd. (c)), a lesser included offense of cultivating marijuana. The court sentenced appellant to two years in county jail for transportation of marijuana and six months in county jail for possession. The court stayed the six-month term pursuant to Penal Code section 654. Appellant filed a timely notice of appeal.

DISCUSSION

We appointed counsel to represent appellant on this appeal. After review of the record, appellant’s court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to *Wende, supra*, 25 Cal.3d at page 441. On October 16, 2012, we advised appellant that he had 30 days within which to submit any contentions or issues that he wished us to consider. Appellant did not file a supplement brief.

We have examined the entire record. We are satisfied that no arguable issues exist and that appellant’s counsel has fully satisfied her responsibilities under *Wende*. (*Smith v. Robbins* (2000) 528 U.S. 259, 279-284; *Wende, supra*, 25 Cal.3d at p. 441; see also *People v. Kelly, supra*, 40 Cal.4th at pp. 123-124.)

DISPOSITION

The judgment is affirmed.

FLIER, J.

WE CONCUR:

RUBIN, Acting P. J.

GRIMES, J.